

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSHUA LINER,

Plaintiff,

v.

BRIAN FISCHER, et al.,

Defendants.

USDC SDNY
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DATE FILED: August 7, 2013

11 Civ. 6711 (PAC) (JLC)

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

HONORABLE PAUL A. CROTTY, United States District Judge:

Plaintiff Joshua Liner ("Liner"), brings this pro se action pursuant to 42 U.S.C. § 1983, against assorted officials of the New York State penal system for allegedly violating various constitutional rights by, inter alia, denying him adequate medication for his glaucoma and seizing certain of his funds. While Defendants' motion to dismiss Liner's complaint was pending, Liner filed two motions for a preliminary injunction on January 2, 2013 and February 5, 2013, regarding the collection policy and Liner's access to law books. (ECF Nos. 49, 55.) On May 2, 2013, Magistrate Judge Cott issued a Report and Recommendation recommending that both motions for the preliminary injunction be denied. (ECF No. 66.)

The Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). The Court may adopt those portions of the R&R to which no timely objection has been made, so long as there is no clear error on the face of the record. Wilds v. United Parcel Serv., Inc., 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003). After being served with a copy of the magistrate judge's recommended disposition, a party has fourteen days to file specific written objections to the proposed findings and recommendations. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2). Failure to file timely objections to a report and recommendation results in waiver of those objections. See Thomas v. Arn, 474 U.S. 140, 155 (1985).

As of the date of this Order, the Court has not received any objections to the R&R. Thus, the Court reviews the R&R for clear error. Having found none, the Court hereby adopts the R&R in full and DENIES Liner's January 2, 2013 and February 5, 2013 motions. The reference to Magistrate Judge Cott continues for further disposition of this matter.

Dated: New York, New York
August 7, 2013

SO ORDERED



PAUL A. CROTTY
United States District Judge

Copies sent by chambers to:
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